

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOMINIQUE JOHNSON,	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION NO. 22-CV-4108
	:	
TD BANK NATIONAL	:	
ASSOCIATION, <i>et al.</i> ,	:	
Defendants	:	

ORDER

AND NOW, this 18th day of December, 2022, upon consideration of Dominique Johnson's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 2), and *pro se* Complaint (ECF No. 3), it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED pursuant to 28 U.S.C. § 1915.
2. Dominique Johnson, #61630-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the United States Penitentiary ("USP") Pollock or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Johnson's inmate account; or (b) the average monthly balance in Mr. Johnson's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Johnson's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Johnson's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of USP Pollock.
4. The Complaint is **DEEMED** filed.
5. Mr. Johnson's Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** as follows:
 - a. Mr. Johnson's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum;
 - b. Mr. Johnson's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
6. Defendants' First Motion to Dismiss (ECF No. 5) is **DENIED** as moot.
7. The Clerk of Court shall **CLOSE** this case for all purposes, including statistics.

BY THE COURT:



GENE E.K. PRATTER, J.